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WRIT PETITION NO.6872 OF 2005

Rajendra Nivrutte Chavan ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6873 OF 2005

Asha Rafik Mulla ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6874 OF 2005

Vijay Shripati Shinde ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6875 OF 2005

Chhaya Gopal Desai ..
Petitioner. Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6876 OF 2005

Sanjay Keshav Patil ..
Petitioner. Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6877 OF 2005

Babasaheb Sakharam Jathar ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6878 OF 2005

Swati Dilip Patil ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6879 OF 2005

Sujata Chandrakant Jog ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6880 OF 2005

Sangita Sadashiv Kurade ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6881 OF 2005

Sajjan Maruti Patil ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6882 OF 2005

Sunil Ramchandra Badad ..Petitioner.
Vs.

The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6883 OF 2005

Ganesh Dashrath Kamble ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6884 OF 2005

Prakash Dinkar Khatangale ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6885 OF 2005

Sudhir Rangarao Kamble ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6886 OF 2005

Sandhya Narayan Chavan ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6887 OF 2005

Vishal Mohan Devpuje ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6888 OF 2005

Suvarnalata Parashuram Zokande ..Petitioner.

Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6889 OF 2005

Narayan Dnayanu Karande ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6890 OF 2005

Maruti Dhondiram Patil ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6891 OF 2005

Surekha Subhash Patil ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6892 OF 2005

Sanjay Vishnu Patil ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6893 OF 2005

Iqbal Miyalal Mujawar ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6894 OF 2005

Niraja Rajkumar Sood ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6895 OF 2005

Sarjerao Dattatraya Jadhav ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6896 OF 2005

Nandkumar Maruti Kharade ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6897 OF 2005

Manojkumar Annaso Bhoje ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6898 OF 2005

Pushpa Balvant Jirage ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6899 OF 2005

Rekha Dattatray Lad ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6900 OF 2005

Ashok Bandu Pankar ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6901 OF 2005

Ananda Shankar Zanjage ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6902 OF 2005

Laxman Dattatraya Waghmare ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6903 OF 2005

Keraba Tukaram Patil ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6904 OF 2005

Madhukar Ganpati Kumbhar ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

WITH
WRIT PETITION NO.6905 OF 2005

Shrikant Mahadev Bhosale ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

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Mr. S.A. Ghaisas for the Petitioners.
Mr. V.P. Malvankar, AGP for the Respondents.

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CORAM : F. I. REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

February 27, 2006.

P.C.

The Petitioners had approached this Court to seek a relief by way of a direction to the Respondents, to absorb the Petitioners in Government service. It is the case of the Petitioner and other similarly placed Petitioners that they have been working in part time job on honorarium basis with the Respondents. They have been working for various periods as set out in the Petitions. Some others who have not been regularised, formed an association to agitate their grievances, consequent whereupon, relaxation was given to them for being absorbed in Government service by giving age relaxation and some other benefits. The Petitioners for that purpose rely on Government Resolution dated 19th March 1998.

2. It is the case of the Petitioners that various Associations of part time employees have put forth their grievances before the

Respondents for their absorption. It is also pointed out that Prof. Sharad Patil, MLA in the Budget Session in March 2002, on a question being raised, had been assured by the then Self Employment Minister, that persons like the Petitioners would be absorbed within two months. Similarly, assurances were given on question raised in the House by another member that they would be absorbed. Reference is also made to the Cabinet decision of 27th December 2002. In spite of various assurances given, till date the Respondents have taken no steps to comply with the assurances given. On account of that, many part time employees, including the Petitioners, are getting overaged and thus losing their chance of future employment under the public bodies or else where.

3. The Petitioners also sought to rely on the Government Resolution dated 1st August 2003 wherein a reference is made to an order passed by a Learned Bench of this Court sitting at Aurangabad in Civil Application No.4244 of 2003 in LPA No.83 of 2003 in Writ Petition No.70 of 1996.

4. We have heard the Learned Counsel for the Petitioners.

In the first instance, it will not be possible for this Court to look into the assurances given on the Floor of House. That is in the exclusive domain of the Legislature and for the Hon'ble Members of the House to raise the issue before the Assurance Committee of the House. This Court cannot go into the same.

5. In so far as the resolution of 1st August 2003, it may be noted that it was a special drive to fill in the backlog of reserved seats. The Petitioners cannot rely on that G.R.

6. In so far as they are concerned, the State Government is yet to take a policy decision. In the absence of any policy decision of the State in the matter of absorption of persons like the Petitioners, it will not be possible for this Court to go into the issue. It is now settled after the judgment of the Apex Court in **A. Umarani vs. Registrar, Co-operative Societies & Ors,** (2004) 7 SCC 112 that this Court cannot direct the State Government to either absorb or regularise any person in the absence of administrative instructions or rules in force.

7. We, therefore, find no merit in these petitions which are

accordingly dismissed.

8. It is made clear that it would always be open for the Petitioners to make representation to the Respondents and the Respondents to consider the same according to law.

9. If any of the Petitioners belong to the reserved category (Backward Classes) and are entitled to the benefit of the Government Resolution dated 1st August 2003, it will be open to them to make representation to the Competent Authority and on such representation made, the Competent Authority in terms of the Government Resolution to take an appropriate decision and communicate the same to the Petitioners within 8 weeks of the representation being made. The representation to be made within four weeks from today.

(F. I. Rebello, J.)

(Dr.D. Y. Chandrachud, J.)